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Via ECFS

September 14, 2016

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: *Structure and Practices of the Video Relay Service program*, CG Docket No. 10-51; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Emergency Petition for Extension of the Rate Relief Termination Date on ASL Services Holdings, LLC dba GlobalVRS

Dear Secretary Dortch:

ASL Services Holdings, LLC dba GlobalVRS ("GlobalVRS") submits to the Commission the attached *Comments of ASL Services Holdings, LLC dba GlobalVRS in Response to Further Notice of Proposed Rulemaking* ("Comments") in response to the Commission's August 4, 2016 *Further Notice of Proposed Rulemaking* in the above-referenced matter.

Thank you for your attention to this matter. Questions may be addressed to the undersigned.

Sincerely,

MILLER ISAR, INC.

/s/ Andrew O. Isar
Andrew O. Isar

Regulatory Consultants to
ASL Services Holdings, LLC dba GlobalVRS

Attachment

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matters of)	
)	
Telecommunications Relay Services)	CG Docket No. 03-123
and Speech-to-Speech Services for)	
Individuals with Hearing and)	
Speech Disabilities)	
)	
Structure and Practices of the)	CG Docket No. 10-51
Video Relay Service Program)	

**COMMENTS OF ASL SERVICES HOLDINGS, LLC DBA GLOBALVRS
IN RESPONSE TO FURTHER NOTICE OF PROPOSED RULEMAKING**

ASL Services Holdings, LLC dba GlobalVRS (“GlobalVRS”) submits these comments in response to the Commission Consumer and Governmental Affairs Bureau’s August 4, 2016 *Further Notice of Proposed Rulemaking* (“FNPRM”) regarding adoption of the Session Initiation Protocol (“SIP”) Forum’s Video Relay Service (“VRS”) Provider Interoperability Profile (“SIP Profile”) and Interoperability Profile for Relay User Equipment (“RUE Profile”).¹ GlobalVRS fully supports the Commission’s ongoing efforts to promote interoperability to the benefit of all consumers and generally supports those innovations that will promote consumer choice.

GlobalVRS supports adoption of the SIP Profile. Yet regarding RUE Profile adoption, the history behind RUE Profile development is inconsistent with the Commission’s conclusions concerning provider “participation” in its development. The FNPRM focuses on the RUE Profile as it applies to all end points, which appears to be an expanded interpretation from the original understanding of providers and the developers that the RUE document was intended exclusively for the Accessible Communications for Everyone (“ACE”) software and application

¹ 81 FR 57851; Page: 57851 -57854 (August 23, 2016).

development. This expanded interpretation has created significant confusion among providers and developers. Provider and developer confusion over the “all end points” reference may not be the intention of the Commission, though may require significant changes in the RUE Profile adoption based on interpretation, which must be clarified by the Commission. GlobalVRS responds to the two very different interpretations on the Commission’s intent: 1) the RUE Profile as a standard for ACE software and application development; and 2) extension of the RUE Profile to all end points.

GlobalVRS requests that Commission clarify its intent for the RUE Profile adoption. Following such clarification, the Commission must allow providers to be directly involved in further RUE Profile development, give providers sufficient time to implement the RUE Profile, and compensate providers for their demonstrable exogenous implementation costs before the RUE Profile is adopted under either interpretation.

I. INTRODUCTION.

The Commission proposes adoption of the SIP and RUE Profiles in an effort to further promote interoperability. Its proposed SIP Profile adoption is consistent with the interoperability goals among all providers and is a result of significant development work and collaboration over the past two years that preceded the SIP Profile’s proposed adoption. GlobalVRS collaborated with other VRS providers and the SIP Forum and expended Company resources to develop a SIP Profile that was then tested by its engineers and platform vendor. SIP Profile adoption is the natural extension of that effort. GlobalVRS is prepared to implement the SIP Profile, though maintains that a minimum 120 day implementation period is necessary to complete implementation in light of the number of other Commission reforms the Company is concurrently implementing, and time needed to allow providers to implement technical network modifications without affecting service.

Such is not the case with the RUE Profile. There is significant confusion among providers as to the intent of the RUE Profile. From the beginning, providers understood that the RUE Profile was intended to support interoperability as an integral part of ACE software and application development.

Contrary to that understanding, the Commission now appears to propose extension of the RUE profile to all end points of VRS technology, and thereby to all providers. These two interpretations of Commission intent are vastly different and require entirely separate considerations.

Under either interpretation the Commission should first clarify its intent, and clarify its expectations for provider implementation and testing. The Commission should then give providers an opportunity to submit technical comments and recommendations, allow a reasonable implementation period consistent with the two year SIP Profile development period following ACE software and application development and testing, and reimburse providers for their documented exogenous provider development costs.

II. GLOBALVRS SUPPORTS SIP PROFILE ADOPTION UNDER A 120 DAY IMPLEMENTATION PERIOD

GlobalVRS supports adoption of the SIP Profile as the next logical step in promoting interoperability among providers. As noted, the SIP Profile represents a two year collaboration among all providers, has been tested by the providers, and is ready for implementation.

Active provider involvement in SIP Profile development has enabled providers to anticipate and implement SIP Profile standards. Yet, additional time is needed to perform final testing and fully implement the SIP Profile, while planning implementation of other pending Program reforms. GlobalVRS, therefore, requests that the Commission adopt the SIP Profile under a 120 day implementation period.

III. THE HISTORY OF RUE PROFILE DEVELOPMENT IS INCONSISTENT WITH THE COMMISSION'S CONCLUSION THAT ALL PROVIDERS "PARTICIPATED" IN RUE PROFILE DEVELOPMENT.

The Commission states that "all current VRS providers participated in the process leading to adoption of the RUE Standards, and that all providers appear to have reached a consensus on these standards. For all of these reasons, we tentatively conclude that the RUE Profile meets the Commission's objective of facilitating interoperability and portability for VRS, and should be

incorporated by reference into the Commission's rules.”² Yet, the history of RUE Profile development reflects that provider “participation” in RUE Profile development was negligible, particularly in comparison to extensive provider participation in SIP Profile development.

SIP Profile development represented a two year collaboration among providers. Every two weeks, over a two year period, the providers met via a SIP Forum teleconference call. The purpose of the call was to create SIP standards that all providers could adopt to achieve full interoperability. During these calls, SIP standards were addressed, amended, and documented. Every six months the providers met to test the SIP standards that were developed to ensure the standards would work among different provider platforms. These efforts resulted in the SIP Profile the Commission now seeks to adopt.

As opposed to SIP Profile development, RUE Provide development marginally involved the providers. RUE Profile development was initiated in late summer of 2015 when VTCSecure was contracted to develop the ACE software and applications. The ACE software was understood to be a neutral VRS technology requiring standards to be interoperable among all providers. The MITRE Corporation (“MITRE”) was subsequently contracted to oversee ACE software and application development and eventually test the final applications, at least three of which are still in development. Consequently, it was universally understood among the providers and developers that RUE Profile development was intended specifically as a set of ACE software and application development standards to ensure provider interoperability.

Although providers contributed information to certain aspects of the RUE Profile development, providers could not in any way claim authorship or co-authorship of the document. Providers invited ACE software developers to participate in SIP conferences, collaborated with MITRE, and were accorded limited opportunity to make generalized recommendations for the RUE

² FNPRM at para 6.

Profile. Nevertheless, providers had no control over – or direct technical development involvement in - the RUE Profile. It appears that the RUE Profile was revised numerous times without provider involvement.

Provider participation in SIP Profile development should not be confused with “participation” in RUE Profile development. To state that providers “participated” in RUE Profile development incorrectly suggests a much broader level of provider involvement consistent with SIP Profile development that did not occur. Extension of the RUE Profile whether to the ACE application or on all provider end points within a sixty day implementation period requires a leap of logic predicated on an inaccurate characterization of the providers’ marginal “participation” in RUE Profile development.

References to extension of the RUE Profile to all provider end points has created significant confusion among providers and the developers. The Commission must provide additional clarification of its intent on the RUE Profile, and then accord providers the ability to be actively and directly involved in RUE Profile development and testing, and compensate providers for their exogenous development costs.

IV. CLARIFICATION OF THE COMMISSION’S INTENT FOR THE RUE PROFILE IS NEEDED.

It has been the providers’ and ACE software developers’ understanding that the RUE Profile would be used specifically for ACE software and application development. FNPRM reference to the extension of the RUE Profile to all end points - *i.e.* to all providers - for the first time introduces a new provider requirement that had not originally been anticipated and is confusing to providers and developers.

If providers are now expected to implement the RUE Profile, the Commission must first clarify its expectations for provider implementation. Providers should clearly understand how they are to adopt the RUE Profile, coordinate with other providers, and engage in application testing.

Among the more salient matters requiring clarification:

- Is the RUE profile intended for interoperability with the ACE app or to “all provider end points?”
- What is the Commission’s understanding of how providers can comply with the RUE Profile when the ACE software and applications have not yet been fully developed and tested?
- Will providers be given the opportunity to propose amendments to the RUE Profile?
- Will funds be allocated to compensate providers for their costs to implement the host of requirements outlined in the RUE Profile?
- Will adequate time be given to providers for further development, testing, and implementation?

The Commission must clearly establish its expectation for provider implementation of the RUE Profile as provider implementation obligations are entirely unclear and open for interpretation as summarily stated in the FNPRM.

V. IF THE RUE PROFILE APPLIES SPECIFICALLY TO ACE SOFTWARE DEVELOPMENT, PROVIDERS ARE CAPABLE OF ADOPTING THE RUE PROFILE AS AN INTEROPERABILITY STANDARARD ONCE FINAL ACE SOFTWARE APPLICATIONS HAVE BEEN DEVELOPED, TESTED, AND APPROVED.

The RUE Profile was initially developed by VTCSecure and is now under the development of Regent. These entities were tasked to finalize interoperability standards among providers and the ACE software and applications. To date, MITRE has overseen ACE software and application development and assumed responsibility to test and approve the ACE software and applications before deployment to the public. It has been understood among providers that once completed the ACE software and applications would be available to the public for use in Microsoft, Android, IOS and Apple operating systems. Currently, there are no final versions of any of the ACE applications for providers to test. It is impossible to establish a provider compliance timeline in the absence of completed ACE applications for testing.

Before the RUE Profile can be adopted by providers, it is imperative that the final four operating system versions of the ACE software applications be completed by Regent and delivered to MITRE for testing and *only* then delivered to providers with a timeline for testing and final

implementation before being introduced to the public.³ Significant costs and development would be presented to GlobalVRS to ensure compliance with the RUE Profile and exogenous costs associated with implementation should be compensated.

VI. IF THE COMMISSION'S INTENT IS TO EXTEND THE RUE PROFILE TO ALL PROVIDER END POINTS, PROVIDERS MUST BE ALLOWED TO BE ACTIVELY INVOLVED IN FURTHER DEVELOPMENT, BE GIVEN A REASONABLE IMPLEMENTATION TIMEFRAME, AND BE COMPENSATED FOR THEIR EXOGENOUS IMPLEMENTATION COSTS.

To the extent that the Commission clarifies that its intention is to extend RUE Profile to all end points and therefore to all providers, the Commission must allow providers to be engaged in a RUE Profile development process consistent with the process that providers followed in development of the SIP profile, including:

Direct Provider Development Involvement – Providers must be able to have a direct and meaningful role in development of RUE Profile standards based on a collaborative approach among providers and reflective of each provider's own system considerations.

A Time Frame that Allows for Full Design and Testing – The SIP Profile development process required more than two years of provider and designer collaboration and testing before a final SIP Profile was completed. Expansion of the RUE Profile to all providers would require a similar amount of time to complete, particularly pending development of all ACE software applications and the need for individual application testing. Design and testing represent an iterative process. As the current version of the RUE Profile is likely subject to further change as the ACE software is being fully developed, providers must be accorded time to collaborate, design and test the standards as was done with SIP Profile development.

³ Final RUE Profile implementation for its originally intended purposes is estimated to require a provider investment of nearly \$500,000 and more than 2,200 man hours is estimated to perform a myriad of functions beyond testing for interoperability including implementation of a SIP registrar with authentication, development of a configuration interface and a contact book export/import using xCard, emergency location for ACE software applications, etc.

Providers Should be Compensated for their Exogenous Development Costs - SIP Profile

development required a significant commitment of company resources for meetings, engineering time, and testing, particularly for specialized providers such as GlobalVRS.⁴

Specialized providers face additional design, development, and implementation challenges – in GlobalVRS’ case including Spanish language and Deaf-Blind interpretation, that necessitate even further expenditure of limited resources. At a time when specialized service providers are not being fully compensated for their current VRS allowable costs, assumption of even greater expenses for RUE Provider development *and* implementation imposes a near untenable burden. Exogenous costs compensation associated with RUE Profile adoption as a mandatory minimum standard, is consistent with the U.S. Court of Appeals for the D.C. Circuit’s findings in the Sorenson decision,⁵ and should be granted for specialized providers at a minimum, regardless of the implementation period.

VII. CONCLUSION.

GlobalVRS is prepared to implement a SIP Profile it helped develop within a 120 day period. Unlike SIP Profile development, neither GlobalVRS nor other providers helped develop the RUE Profile, and understood that the RUE Profile was to be used exclusively for ACE software and application development. If the Commission now seeks to extend the RUE Profile to all provider end points beyond its originally understood purpose, additional clarification regarding the intended implementation process is necessary for providers to fully understand their obligations. Following such clarification, providers should be allowed to become directly involved in further iterations of the RUE Profile development, must be given a reasonable timeframe to develop the RUE Profile

⁴ RUE Profile implementation to all provider endpoints is estimated to require more than 5,700 man hours at a cost of more than \$1M to providers for implementation, depending on the level of developer support for each ACE software application.

⁵ See *Sorenson*, 765 F.3d 37 (2014) at 50: “Turning to the substance of [the Sorenson speed-of-answer] challenge, we hardly do more than note that the Commission is, by its own interpretation of the [Americans With Disabilities Act], is required to reimburse providers for all costs necessarily incurred to meet the mandatory minimum standards established by the agency [citing to 19 FCC Rcd. At 12543-44 para 181]. By adopting new speed of answer metric without evidence of the cost to comply with it, the Commission acted arbitrarily and capriciously.”

consistent with the SIP Profile implementation period as ACE software applications are fully developed, and specialized service providers should be compensated for their documented exogenous development and implementation costs.

Respectfully submitted this 14th day of September, 2016,

ASL SERVICES HOLDINGS, LLC dba
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